



Christopher Avery
Director and Sr. Counsel
Charter Communications, Inc.
12405 Powerscourt Drive
Saint Louis, Missouri 63131

February 27, 2012

Mr. George A. Baker, General Manager
Frank & Linda Azevedo, licensee of KAZV-LP
1064 Woodland Ave, Suite P
Modesto, CA 95351

VIA CERTIFIED MAIL
With copy by electronic mail

Re: Response Pursuant to 47 C.F.R. §76.61(a)(2)

Mr. Baker:

I am regulatory counsel for Charter Communications and have been forwarded your letter to Ms. Ludovici for a response.

As you are aware, 47 C.F.R. Section 76.55(d) of the Federal Communications Commission's rules require a low power broadcast station to satisfy six particular requirements in order to be considered a "qualified low power station." Failure of any one requirement will result in a low power station being not qualified under the FCC's rules. Of particular relevancy to this response are the requirements in Section 76.55(d)(5) and (6).

Section 76.55(d)(5) says

(5) The community of license of such station and the franchise area of the cable system are both located outside of the largest 160 Metropolitan Statistical Areas, ranked by population, and determined by the Office of Management and Budget on June 30, 1990, and the population of such community of license on such date did not exceed 35,000; and

(emphasis added)

Section 76.55(d)(6) says

(6) There is no full power television broadcast station licensed to any community within the county or other equivalent political subdivision (of a State) served by the cable system.

(emphasis added)

KAZV-LP does not satisfy either requirement and, thus, is not a "qualified" low power station under the FCC's rules.

There is no dispute that KAZV-LP is licensed by the FCC to Modesto, California. As of June 30, 1990, as evidenced by the population figures reported by the US Census Bureau (see attached), Modesto, California had a population of 240,580. Your city of license, Modesto, California, population exceed the threshold set by Section 76.55(d)(5) by more than two hundred thousand. Since Modesto's population was in excess of 35,000 on June 20, 1990, your station is not a qualified low power station.

Exhibit D1